



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/895,077      | 07/02/2001  | Thomas V. Johnson    | 06502.0323          | 9092             |

22852 7590 12/24/2003

FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER  
LLP  
1300 I STREET, NW  
WASHINGTON, DC 20005

EXAMINER

LEROUX, ETIENNE PIERRE

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

2171

DATE MAILED: 12/24/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/895,077

Applicant(s)

JOHNSON ET AL.

Examiner

Etienne P LeRoux

Art Unit

2171

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-56 is/are pending in the application.
- 4a) Of the above claim(s) 6-56 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 July 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. §§ 119 and 120**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

***Election/Restriction:***

Claims 6-56 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected species, there being no allowable generic or linking claim.

Applicant timely traversed the restriction (election) requirement in Paper No. 4.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-5 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Claim 1 recites "creating, for the first instance, a reverse link that defines a relationship between the first instance and the association."

Instant specification states the following in paragraph 53:

CIM Object Manager 340 defines an association instance 564 (A-5) between instance I-5 and instance I-7 (step 730), using the characteristics of new instance I-7. FIG. 5C illustrates the new association 564 (A-5), including its links pointing to instances I-5 and I-7. Once CIM Object Manager 340 recognizes a newly defined association instance, it determines all objects the new association instance defines a relationship between. In this case, association instance A-5 establishes a relationship between instances I-5 and I-7. Accordingly, CIM Object Manager 340 defines reverse links within each instance's wrapper (Step 740). The reverse links are represented by the dotted lines pointing from wrappers 512 and 562 to association 564 (A-5) in FIG. 5C.

Art Unit: 2171

One of ordinary skill in the art would not be able to make and use instant invention based on supra disclosure by applicant. Representing reverse links by dotted lines does not enable one of ordinary skill in the art to make and use the invention.

Claims 2-5 are rejected for dependent from a rejected base claim.

***Claim Rejections - 35 USC § 101***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 101 that form the basis for the rejections under this section made in this Office Action:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-5 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

The MPEP § 2106, Section ii) Computer-Related Processes Limited to a Practical

Application in the Technological Arts states:

There is always some form of physical transformation within a computer because a computer acts on signals and transforms them during its operation and changes the state of its components during the execution of a process. Even though such a physical transformation occurs within a computer, such activity is not determinative of whether the process is statutory nor determinative of whether the process is statutory because such transformation alone does not distinguish a statutory computer process from a nonstatutory computer process. What is determinative is not how the computer performs the process, but what the computer does to achieve a practical application. See *Arrhythmia*, 958 F.2d at 1057, 22 USPQ2d at 1036.

Consider claim 1 in light of the above.

1. The preamble reads of instant invention reads "A method for determining a relationship between objects related to a common information model." A

computer-related process is not claimed in the preamble nor in the method steps of claims 1-5. Examiner maintains that Applicant should claim computer readable code comprising method steps which are stored on computer readable medium so that instant invention can be considered a practical application in the technological arts.

2. Claim 1 recites "creating for the first instance, a reverse link that defines a relationship between the first instance and the association and determining a relationship between the first and second instances based on the reverse link."

Claim 1 comprises manipulation of an abstract idea. Claim 1 recites "creating for the first instance, a reverse link that defines a relationship between the first instance and the association." Above method step defines a relationship which obviously must be fully known at the time of defining. Claim1 further recites "determining a relationship between the first and second instances based on the reverse link." This method step is redundant as the relationship is obviously fully known at the time of defining and thus there is no need to determine a relationship. At best, claim 1 can be characterized as the manipulation of an abstract idea, although even the abstract idea being manipulated is difficult to imagine.

Claims 2-5 are rejected for being dependent from a rejected base claim.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by US Pat No 5,862,379 issued to Rubin et al (hereafter Rubin '379).

Claim 1:

Rubin '379 discloses:

A method for determining a relationship between objects related to a common information model, the objects including at least a first [claim 1, step C, **source object**] and second [claim 1, step E, **destination object**] instance and an association [source object instance of first object class, destination object, instance of second object class], the method comprising:

- creating, for the first instance, a reverse link [claim 1, step G, **linking object**] that defines a relationship between the first instance and the association; and
- determining a relationship [claim 1, step H, **displaying default events, property settings**] between the first and second instances based on the reverse link.

Claim 2:

Rubin '379 discloses wherein each association reflects a relationship between a respective association and a corresponding associated object [claim 1 step C, E].

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rubin '379 in view of US Pat No 5,937,189 issued to Branson et al (hereafter Branson '189).

Claim 3:

Rubin '379 discloses the elements of claim 1 as noted above.

Rubin '379 fails to disclose wherein the instance is associated with a first wrapper defining the reverse link.

Branson '189 discloses wherein the instance is associated with a first wrapper defining the reverse link [Fig 12 and col 15, lines 49-65].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Rubin '379 to include wherein the instance is associated with a first wrapper defining the reverse link as taught by Branson '379.

The ordinarily skilled artisan would have been motivated to modify Rubin '379 per the above for the purpose of determining the configuration relationships [col 15, lines 49-65].

Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rubin '379 in view of US Pat No 5,133,068 issued to Crus et al (hereafter Crus '068).

Art Unit: 2171

Claim 4:

Rubin '379 discloses the elements of claim 1 as noted above.

Rubin '379 fails to disclose defining a pointer in a first table that references a second table; and defining a pointer in the second table that references the instance of the association class.

Crus '068 discloses defining a pointer in a first table that references a second table; and defining a pointer in the second table that references the instance of the association class.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Rubin '379 to include defining a pointer in a first table that references a second table; and defining a pointer in the second table that references the instance of the association class as taught by Crus '068.

The ordinarily skilled artisan would have been motivated to modify Rubin '379 per the above for the purpose of providing a relationship descriptor [claim 1].

Claim 5:

The combination of Rubin '370 and Crus '068 discloses wherein determining a relationship includes: collecting a reference reflecting a relationship between the association and the second instance based on the pointer in the second table [Crus '068, claim 1]



Art Unit: 2171

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Etienne LeRoux whose telephone number is (703) 305-0620.

The examiner can normally be reached on Monday – Friday from 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic, can be reached on (703) 308-1436.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Patent related correspondence can be forwarded via the following FAX number (703) 872-9306

Etienne LeRoux 

12/17/2003

  
SAFET METJAHIC  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100